

REMARKS

On April 12, 2002, Applicants submitted a Preliminary Amendment which included, *inter alia*, a claim for priority to U.S. Patent No. 09/663,255, which claims priority to Provisional Application No. 60/168,057, filed November 30, 1999 and a petition to add Mr. Younger Ahluwalia as an inventor.

The Preliminary Amendment, as evidenced by a stamped return receipt postcard, was received by the U.S. Patent and Trademark Office on April 15, 2002.

The present Office Action was not mailed until April 25, 2002. Therefore, the Preliminary Amendment was mailed to and received by the U.S. Patent and Trademark Office before the present Office Action was mailed.

In May 2002, counsel for the applicant telephoned the Examiner and requested that a new Office Action be issued based upon consideration of the Preliminary Amendment. Examiner notified counsel that the file for the present application had been sent to Central Processing because of the Petition and that the Examiner was, as a result, not able to review the file. Applicants thank the Examiner for the courtesy of the multiple telephone conversations thereafter providing an update on the status of the application and for informing counsel that, due to the routing of the file within the PTO, that the Examiner would not be able to issue a new Office Action before the deadline for filing a response to the present Office Action.

To avoid payment of extension of time fees, Applicants are submitting this Response and formally requesting that the Preliminary Amendment be entered and that a new Office Action be issued.

The Preliminary Amendment is responsive to the rejections in the present Office Action. The Office Action rejects claims 1-27 under 35 U.S.C. § 103 as being unpatentable over

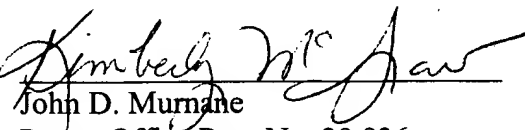
Ahluwalia in view of Meyer and rejects claims 1, 2, 10-12, and 14-27 under 35 U.S.C. § 103(a) as being unpatenable over Ahluwalia in view of Davies.

Applicants respectfully traverse and submit that, following entry of the Preliminary Amendment, that the Ahluwalia reference is not citable as prior art. The Ahluwalia reference issued as a patent in October 1999, less than one year before the November 30, 1999 filing date of U.S. Provisional Application No. 60/168,057, to which the present application claims priority. The amendment of the claim for priority and the amendment of inventorship to add Mr. Ahluwalia, removes the Ahluwalia reference as prior art.

Applicants respectfully request reconsideration of the claims in view of the preliminary amendment and prompt allowance of the claims. If the claims are not allowable, Applicants respectfully request that the next Office Action should not be a Final Office Action.

Applicants do not believe that any fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. Duplicate copies of this sheet are enclosed.

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